

**To:** Urdiales, Aaron[Urdiales.Aaron@epa.gov]; Rudy, Michael[Rudy.Mike@epa.gov]; McCaffrey, Shawn[Mccaffrey.Shawn@epa.gov]  
**From:** Land, Kelcey  
**Sent:** Mon 9/21/2015 5:37:19 PM  
**Subject:** FW: LaPlata County Additional Constituent Sampling Issues  
09211500.PDF

fyi

**From:** Wall, Dan  
**Sent:** Monday, September 21, 2015 11:27 AM  
**To:** Wharton, Steve; Vallejos, Cinna  
**Cc:** Madigan, Andrea; Williams, Laura; Bohan, Suzanne; Sisk, Richard; Land, Kelcey; Way, Steven; Hall, Katherin; Ostrander, David; Gilbert, Edward; Foster, Althea; McKean, Deborah  
**Subject:** RE: LaPlata County Additional Constituent Sampling Issues

The sampling should be occurring right now. EPA is collecting one sample for analysis and keeping one sample in reserve until successful transport is confirmed by the lab. The county will not be collecting a sample so access is not an issue for them. The sample will be analyzed by EPA's lab and we will be sharing results with them when they are all available. Attached is the 4 page SAP addendum which has additional details if you are interested.

Dan

**From:** Wharton, Steve  
**Sent:** Monday, September 21, 2015 10:56 AM  
**To:** Vallejos, Cinna  
**Cc:** Madigan, Andrea; Williams, Laura; Bohan, Suzanne; Sisk, Richard; Land, Kelcey; Way, Steven; Hall, Katherin; Ostrander, David; Gilbert, Edward  
**Subject:** RE: LaPlata County Additional Constituent Sampling Issues

Cinna – Based on my conversations with you and with La Plata County last week, this is where I believe we stand on this sampling event. I'm copying the Environmental Unit Leader and Deputy Incident Commander in Durango as well, so they can correct any inaccuracies.

La Plata County intends to collect samples from the Gold King Mine for the additional constituents we identified in our meeting with them last week. They understand that they can claim reimbursement for the sampling and analysis costs through the yet to be issued cooperative agreement under the "pre-award" provisions of that agreement. Since they will be acting with our approval to conduct the sampling, and the time period for the sampling falls under the allowable pre-award time frame, the current consent for access between EPA and the mine owner can be extended to the County for purposes of conducting this sampling event.

I believe the Environmental Unit has been working to amend the Quality Assurance Project Plan (QAPP) to include the additional constituents of interest to the County and to share the amended QAPP with them for their use for this particular sampling event. The Incident Command is coordinating physical site access and timing for the sampling.

Thanks,  
Steve

**From:** Vallejos, Cinna  
**Sent:** Monday, September 21, 2015 10:20 AM  
**To:** Wharton, Steve  
**Subject:** FW: LaPlata County Additional Constituent Sampling Issues

Do you know where this stands?

**From:** Card, Joan  
**Sent:** Thursday, September 17, 2015 11:54 AM  
**To:** Madigan, Andrea; Grantham, Nancy; McGrath, Shaun  
**Cc:** Wharton, Steve; Williams, Laura; Ward, W. Robert; Bohan, Suzanne; Sisk, Richard; Schefski, Kenneth; Land, Kelcey; Way, Steven; Vallejos, Cinna; Bove, James; Hall, Katherin; Ostrander, David  
**Subject:** RE: LaPlata County Additional Constituent Sampling Issues

Nancy, Laura, please advise. Joan

**From:** Madigan, Andrea

**Sent:** Thursday, September 17, 2015 11:31 AM

**To:** Card, Joan; Grantham, Nancy; McGrath, Shaun

**Cc:** Wharton, Steve; Williams, Laura; Ward, W. Robert; Bohan, Suzanne; Sisk, Richard; Schefski, Kenneth; Land, Kelcey; Way, Steven; Vallejos, Cinna; Bove, James; Hall, Katherin

**Subject:** RE: LaPlata County Additional Constituent Sampling Issues

# Attorney Client/Ex. 5

Andrea Madigan

CERCLA Supervisory Attorney

Legal Enforcement Program

U.S. EPA Region 8

1595 Wynkoop Street

Denver, Colorado 80202

(303) 312-6904

**From:** Madigan, Andrea

**Sent:** Thursday, September 17, 2015 10:46 AM

**To:** Card, Joan; Grantham, Nancy; McGrath, Shaun

**Cc:** Wharton, Steve; Williams, Laura; Ward, W. Robert; Bohan, Suzanne; Sisk, Richard; Schefski, Kenneth

**Subject:** RE: LaPlata County Additional Constituent Sampling Issues

If La Plata County is conducting sampling pursuant to a cooperative agreement with EPA that provides for such sampling in the work plan developed to implement the cooperative agreement, La Plata would be an authorized representative of EPA and covered under the agency's current access agreement and would not need to obtain a new access agreement from the owner of the mine. Please feel free to give me a call if you have any questions.

Andrea Madigan

CERCLA Supervisory Attorney

Legal Enforcement Program

U.S. EPA Region 8

1595 Wynkoop Street

Denver, Colorado 80202

(303) 312-6904

**From:** Card, Joan  
**Sent:** Thursday, September 17, 2015 10:40 AM  
**To:** Grantham, Nancy; McGrath, Shaun  
**Cc:** Wharton, Steve; Williams, Laura; Madigan, Andrea; Ward, W. Robert  
**Subject:** RE: LaPlata County Additional Constituent Sampling Issues

+ Andrea and Bob

Nancy, Andrea has an answer on question 5 for you.

**From:** Grantham, Nancy  
**Sent:** Wednesday, September 16, 2015 6:57 PM  
**To:** McGrath, Shaun; Card, Joan  
**Cc:** Grantham, Nancy; Wharton, Steve; Williams, Laura  
**Subject:** LaPlata County Additional Constituent Sampling Issues

1. Can be covered under pre-award CA costs
2. Would need to have a QAAP specific to this sampling – EU at IAP will develop by Friday
3. County's DPW staff Leslie Jackoby will be taking the samples
4. Need to determine if we will do split sampling or parallel independent sampling
5. Can LaPlata staff doing the sampling have access to the mine under EPA auspices (i.e.,

they don't need to go through Todd Henis)?

6. Communication with LaPlata to include affirmative statement that this does not imply downstream sampling?

Thanks ng